

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES SADBERRY,

Plaintiff

v.

C-1-08-208

C.O. THOMAS, *et al.*,

Defendants

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 47), plaintiff's objections thereto (doc. no. 49) and plaintiff's "supplemental briefs" (doc. nos. 50, 51, 52 and 53). The "supplemental briefs" filed by plaintiff primarily deal with plaintiff's complaints at his present location W.C.I., not S.O.C.P., which is the location under consideration in this case. They will not be helpful in this matter. Further, Doc. No. 53 is a letter addressed to the Court which plaintiff states is improper. The Court agrees, but will order the Clerk to forward the appropriate *pro se* packet to plaintiff for his consideration.

The Magistrate Judge concluded that 1) plaintiff failed to exhaust his administrative remedies; and 2) the time for filing a grievance under the administrative grievance procedures has expired. The Magistrate Judge therefore recommended that plaintiff's Motion captioned "Discovery Release or Custody Motion to Move or Plead" be denied; defendants' Motion for Summary Judgment be granted; plaintiff's Complaint be dismissed and the case be dismissed and terminated on the docket of this Court.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.


CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and

properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 47). Plaintiff's Motion captioned "Discovery Release or Custody Motion to Move or Plead" (doc. no. 28 is DENIED; defendants' Motion for Summary Judgment (doc. no. 30) is GRANTED; plaintiff's Complaint is DISMISSED and the case is DISMISSED AND TERMINATED on the docket of this Court.

IT IS SO ORDERED.



**Herman J. Weber, Senior Judge
United States District Court**